

SENATE BILL NO. 210

INTRODUCED BY COONEY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A CORRIDOR OF DISCOVERY COMMISSION; SPECIFYING ITS MEMBERSHIP AND DUTIES; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING AUTHORITY TO OFFER TAX INCENTIVES TO OBTAIN EASEMENTS FOR THE CORRIDOR OF DISCOVERY; AND AMENDING SECTION 60-11-111, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Corridor of discovery commission -- membership -- purpose -- terms

-- compensation. (1) There is a corridor of discovery commission. The commission is attached to the department of natural resources and conservation for administrative purposes only as provided in 2-15-121.

(2) The commission consists of nine members as follows:

(a) six public members, appointed by the ~~director of the department of natural resources and conservation~~ GOVERNOR, who may represent interests including but not limited to local business, local government, tourism and recreation, open space conservation, landowners or agricultural interests, and local land trusts;

(b) the director of the department of natural resources and conservation or the director's designee;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-1801, or the administrator's designee; and

(d) ~~an at-large representative, appointed by the governor~~ THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S DESIGNEE.

(3) Commission members shall serve staggered 4-year terms.

(4) Commission members shall serve without pay, but are entitled to reimbursement for travel, meals, and lodging while engaged in commission business, as provided in 2-18-501 through 2-18-503, unless commission members waive reimbursement.

(5) The commission is responsible for:

(a) creating an acquisition and maintenance plan for the conversion of ~~an abandoned~~ a railbed extending from Helena, Montana, to Great Falls, Montana, to a corridor to be designated the "corridor of

discovery" IF THE RAILBED IS ABANDONED;

(b) negotiating with corporations OR OTHER ENTITIES capable of providing easements, ~~sale, or fee title~~
OR OTHER LEGAL PROPERTY INTEREST to the department of natural resources and conservation for the
establishment of the corridor of discovery. The commission must adopt terms that allow corporations OR OTHER
ENTITIES under this subsection (5)(b) to retain rights to rail and tie salvage.

(c) determining appropriate measures of compensation, ~~credit,~~ and guarantees for corporations OR
OTHER ENTITIES as provided in subsection (5)(b); AND

~~(d) negotiating with interest holding landowners; and~~

~~(e)~~ (D) establishing a weed control program for the corridor of discovery.

(6) THE COMMISSION, THROUGH ITS GOVERNING AGENCY, SHALL DEVELOP RULES THAT, AT A MINIMUM, ADDRESS
THE FOLLOWING AREAS:

(A) VISUAL SCREENING TO PRESERVE PRIVACY;

(B) FENCING TO PROTECT LIVESTOCK;

(C) METHODS TO ACCOMMODATE MOVEMENT OF LIVESTOCK OR FARM EQUIPMENT;

(D) TRANSFER OF PORTIONS OF THE PREVIOUS RAILROAD RIGHT-OF-WAY NOT NEEDED FOR THE ALTERNATIVE
MODE RIGHT-OF-WAY TO THE ADJACENT LANDOWNER AT A FAIR AND EQUITABLE PRICE;

(E) PROHIBITIONS ON THE USE OF THE ALTERNATIVE MODE RIGHT-OF-WAY MORE THAN 1 HOUR AFTER SUNSET
OR MORE THAN 1 HOUR BEFORE SUNRISE;

(F) PROHIBITIONS ON THE USE OF THE ALTERNATIVE MODE RIGHT-OF-WAY FOR OVERNIGHT CAMPING IN AREAS
THAT WOULD ADVERSELY IMPACT NEARBY RESIDENCES OR FARM OR RANCH OPERATIONS; AND

(G) GUIDELINES REGARDING WHERE NECESSARY SAFETY SCREENING OR FENCING TO SEPARATE THE
RIGHT-OF-WAY FROM CONSTRUCTED CANALS, DITCHES, OR AQUEDUCTS.

(7) RULES ADOPTED PURSUANT TO SUBSECTION (6) MUST BE ADOPTED PURSUANT TO TITLE 2, CHAPTER 5, PART
1, AND MUST BE BASED ON INPUT FROM ADJOINING LANDOWNERS, PUBLIC MEMBERS, AND CORRIDOR USERS.

~~(6)(8)~~ (8) As used in this section, "corridor" means ~~a nonmotorized;~~

(A) A recreational right-of-way on an abandoned railbed; OR

(B) A RIGHT-OF-WAY WITHIN THE BOUNDS OF A FORMER RAILROAD RIGHT-OF-WAY THAT IS USED FOR
ALTERNATIVE MODES OF TRANSPORTATION, INCLUDING PEDESTRIANS AND NONMOTORIZED BICYCLES.

NEW SECTION. Section 2. Corridor of discovery account. (1) There is a corridor of discovery

1 account in the state special revenue fund. Money in the account may include money from grants, gifts, or
2 donations and interest earned on the account. Account funds must be used for the purposes described in
3 [section 1].

4 (2) The department of natural resources and conservation may receive gifts, grants, legacies, and
5 donations of money or other property for activities provided in [section 1]. The proceeds must be deposited in
6 the account.

7
8 ~~NEW SECTION. Section 3. Credit for corporations. (1) There is allowed a one-time income or~~
9 ~~license tax credit to corporations providing easements on abandoned railbeds to the department of natural~~
10 ~~resources and conservation as provided in [section 1]. Corporations seeking tax relief under this section shall~~
11 ~~apply to the department of revenue for the income or license tax credit. The department of revenue may refer~~
12 ~~an application for a credit to the corridor of discovery commission, as provided in [section 1], for its advice, and~~
13 ~~the corridor of discovery commission shall respond within 60 days. The value of the credit must be equal to the~~
14 ~~appraised value of the abandoned railbeds donated to the department of natural resources and conservation.~~

15 ~~(2) The credit allowed by subsection (1) may not be refunded if the taxpayer has a tax liability less than~~
16 ~~the amount of the credit. If the sum of credit carryovers from the credit, if any, and the amount of credit allowed~~
17 ~~by subsection (1) for the tax year exceed the taxpayer's tax liability for the current tax year, the excess~~
18 ~~attributable to the current tax year's credit is a credit carryover to the 6 succeeding tax years. The entire amount~~
19 ~~of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused~~
20 ~~credit must be used first.~~

21
22 **Section 3.** Section 60-11-111, MCA, is amended to read:

23 **"60-11-111. Identification and acquisition of railroad rights-of-way -- identification of railroad lines**
24 **for rehabilitation.** (1) Identification of those railroad lines proposed for abandonment in the state of Montana
25 that may have potential for local transportation service or future use as transportation corridors or for the corridor
26 of discovery as provided in [section 1] is necessary to determine the feasibility of acquisition by the state and
27 to allow the state to negotiate for acquisition of those railroad lines or easements in the lines.

28 (2) Identification of those railroad branch lines in the state that may have potential for local rail freight
29 transportation service is necessary to determine the feasibility of providing loans or grants to the owner or
30 operator of the railroad line as provided in 60-11-120.

(3) The department of transportation or the department of natural resources and conservation as provided in [section 1]:

(a) shall identify railroad rights-of-way in this state that may be abandoned and research the feasibility of acquisition by the state of Montana of those rights-of-way that may be abandoned;

(b) shall identify, under the state rail planning program, railroad branch lines that should be preserved for continued operation;

(c) may negotiate for and acquire easements in the rights-of-way or the railroad rights-of-way and attendant facilities identified pursuant to subsection (3)(a) and:

(i) hold all acquired lands in trust for transportation purposes; and

(ii) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to the local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired in subsection (3)(c);

(d) shall cooperate with and assist persons representing recreational, transportation, and utility interests and other interested persons, including adjacent landowners, in acquiring ownership or easement of abandoned railbeds; and

(e) shall establish procedures, including the use of federal funds received for rail freight assistance programs under 49 U.S.C. 1654, for providing loans and grants under 60-11-120.

(4) Abandoned rights-of-way acquired and held in trust pursuant to subsection (3)(c)(i) must be administered by the department of natural resources and conservation, as prescribed in Title 77, until the land is needed for transportation purposes."

NEW SECTION. Section 4. Codification instruction. (†) [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 15, part 33, and the provisions of Title 2, chapter 15, part 33, apply to [sections 1 and 2].

~~(2) [Section 3] is intended to be codified as an integral part of Title 15, chapter 31, part 1, and the provisions of Title 15, chapter 31, part 1, apply to [section 3].~~

NEW SECTION. Section 5. Implementation. (1) The members initially appointed under [section 1(2)(a)] are appointed to a 1-year term.

(2) The member initially appointed under [section 1(2)(d)] is appointed to a 2-year term.

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